

5/9/12 indictment filed 5 min court flow

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
:
UNITED STATES OF AMERICA :

- v - :

MARTIN KELLY, :

Defendant. :
-----XINDICTMENT

12 Cr. 371

COUNT ONE

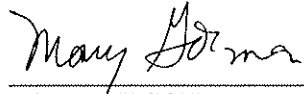
The Grand Jury charges:

1. From in or about March 2007 through in or about December 2009, in the Southern District of New York and elsewhere, MARTIN KELLY, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, KELLY caused an investor ("Victim 1") to make a \$125,000 wire transfer from Texas to a bank account in Rockland County, New York under the false pretenses that KELLY, through his company, owned a Go Kart facility (the "Go Kart facility") in Myrtle Beach, South Carolina, and that Victim 1's investment would be secured by the assets of the Go Kart facility and that Victim 1 would eventually

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be entitled to a portion of the gross revenue of the Go Kart facility.

(Title 18, United States Code, Section 1343.)



FOREPERSON



PREET BHARARA
United States Attorney